

TEXAS APPRAISER LICENSING§
AND CERTIFICATION BOARD

vs.

JOSHUA SHEA HATFIELD
TX-1333272-L

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DOCKETED COMPLAINT NO.
10-088 AND DOCKETED
APPLICATION DENIAL

AGREED FINAL ORDER

On this the 12 day of Feb, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Joshua Shea Hatfield (Respondent) and his application for certification.

In order to conclude this matter Joshua Shea Hatfield neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with Tex. Occ. Code § 1103.458:

FINDINGS OF FACT

1. Respondent, Joshua Shea Hatfield, is a state licensed real estate appraiser who currently holds and held license number TX-1333272-L during all times material to the above-noted complaint case.
2. Respondent appraised 11019 Hard Rock Road, Austin, TX 78750 ("the Hard Rock property") on or about September 9th, 2007.
3. Respondent appraised 406 Teal, Lakeway, TX 78734 ("the Teal property") on or about August 13th, 2009.
4. Thereafter, Respondent filed an application for a state certification with the Board.
5. The application was initially denied by the Board Staff after his experience submitted in conjunction with application was evaluated.
6. The experience evaluated included his appraisal of the Hard Rock and Teal properties.
7. The proposed denial of the application was based upon alleged violations of Tex. Occ. Code §§ 1103.202(3) and 1103.405 and 22 Tex. Admin. Code §§ 153.15(d) and (f)(1) and 153.20(a)(3) and 155.1(a) because the work did not generally comport with the Uniform Standards of Professional Appraisal Practice ("USPAP").

8. On or about November 16th, 2009, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board based on allegations that the Respondent had produced appraisal reports that contained various USPAP violations.
9. On or about November 18th, 2009 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), Tex. Gov't Code Ann. Chpt. 2001, and Tex. Occ. Code Chpt. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
10. Respondent and the Board have reached agreement on resolution of this application denial matter and this complaint and wish to fully resolve these proceedings by means of this Agreed Final Order.
11. Respondent violated Tex. Occ. Code § 1103.405, 22 Tex. Admin. Code §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Hard Rock property:
 - a) Respondent did not fully comply with the record keeping provisions of the Ethics Rule;
 - b) Respondent failed to identify and report the site description adequately;
 - c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
 - d) Respondent failed to provide a brief summary of his supporting rationale and basis for his determination of the property's highest and best use;
 - e) Respondent failed to use an appropriate method or technique to develop an opinion of the site value, failed to collect, verify, analyze and reconcile the cost of new improvements and accrued depreciations and failed to employ recognized methods and techniques in his cost approach;
 - f) Respondent did not completely collect, verify, analyze, and reconcile comparable sales data adequately and did not employ recognized methods and techniques in his sales comparison approach; and,
 - g) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.
12. Respondent violated Tex. Occ. Code § 1103.405, 22 Tex. Admin. Code §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did

not conform to USPAP in effect at the time of the appraisal report for the Teal property:

- a) Respondent failed to comply with the record keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- c) Respondent failed to provide a brief summary of his supporting rationale and basis for his determination of the property's highest and best use;
- d) Respondent did not use an appropriate method or technique to develop an opinion of site value, failed to collect, verify, analyze and reconcile the cost of new improvements and accrued depreciations, and, failed to correctly employ recognized methods and techniques in his cost approach;
- e) Respondent did not collect, verify, analyze and reconcile comparable sales data and did not employ recognized methods and techniques in his sales comparison approach;
- f) Respondent failed to disclose and analyze the Teal property's previous sale which occurred in April, 2009; and,
- g) Respondent's report for the property contains substantial errors of commission or omission as detailed above which resulted in an inaccurate appraisal report.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, Tex. Occ. Code § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by Tex. Occ. Code § 1103.405 and 22 Tex. Admin. Code §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); 2-1(a); and 2-1(b).
3. Respondent violated 22 Tex. Admin. Code §153.20(a)(9) by omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 7 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Report Writing;
- c. Attend and complete a minimum, 7 classroom-hour course in Cost Approach; and
- d. Once Joshua Shea Hatfield satisfies the remedial education required by this Order, the Board directs staff to issue him a certification;
- e. Once his certification has been issued, Joshua Shea Hatfield shall have his certification suspended for 6 months, with the suspension being fully probated;
- f. During his 6 month probated suspension, he shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Joshua Shea Hatfield and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Joshua Shea Hatfield shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during this time period within twenty days of notice of any such request; and,
- g. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **THREE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the three-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in the **AUTOMATIC AND IMMEDIATE** revocation of Respondent's probation and imposition of the remaining period of suspension pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board.

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ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

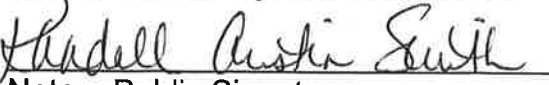
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

The date of this Agreed Final Order shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

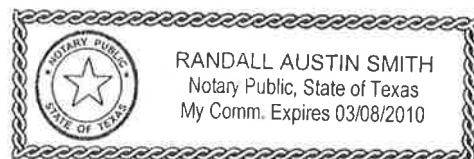
Signed this 14th day of January, 2010.


JOSHUA SHAE HATFIELD

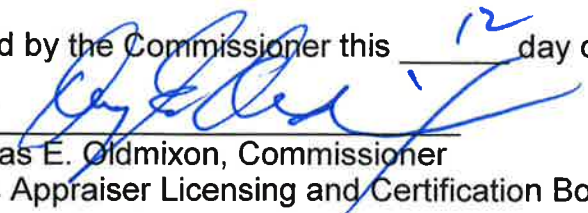
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 14th day of January, 2010, by JOSHUA SHAE HATFIELD, to certify which, witness my hand and official seal.


Notary Public Signature

Randall Austin Smith
Notary Public's Printed Name



Signed by the Commissioner this 12 day of Feb, 2010.



Douglas E. Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 12 day of Feb, 2010.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board